



01-03-07

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Express Mail Label No. EQ733358320US

## PATENT

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David Scott Gray  
Serial No.: 09/934,016  
Filed: 08/20/2001  
For: Medical Port for an Emergency Safety Resuscitator  
Confirmation No.: 7568  
Group Art Unit: 3771  
Examiner: Amadeus Sebastian Lopez  
Customer No.: 31198  
Attorney Docket No.: PGRACT

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

#### PETITION TO WITHDRAW HOLDING OF ABANDONMENT (37 CFR § 1.181(a))

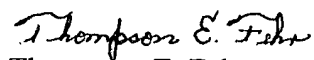
Applicant hereby petitions, pursuant to 37 CFR § 1.181 (a), that the holding of abandonment for the present application be withdrawn.

As explained in the accompanying notarized Statement from Practitioner in Support of Petition to Withdraw Holding of Abandonment, Applicant's attorney did not receive the Office Action mailed on April 21, 2006; and a search of the file jacket and docket records for the present application indicates that the Office communication was not received. Attached to the Statement from Practitioner is a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed. The copy of the docket report shows, *inter alia*, all replies docketed for a date three months from the mail date of

the nonreceived Office action; and the nonreceived Office action set a three-month period for reply.

Consequently, Applicant respectfully requests that the holding of abandonment for the present application be withdrawn.

DATED this 29<sup>th</sup> day of December, 2006.

  
Thompson E. Fehr  
Attorney for Petitioner  
Fehr Law Firm  
Suite 300  
Goldenwest Corporate Center  
5025 Adams Avenue  
Ogden, Utah 84403

Reg. No. 31,353  
Telephone: 801-393-6292



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EXPRESS MAIL CERTIFICATE

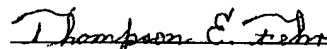
Express Mail Label No. EQ733358320US

Date of Deposit: December 29, 2006

I hereby certify that the following attached

Petition to Withdraw Holding of Abandonment (37 CFR § 1.181(a))

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Thompson E. Fehr



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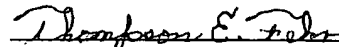
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I hereby certify that the following attached

Statement in Support of Petition to Withdraw Holding of Abandonment (37 CFR § 1.181(a))

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
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**STATEMENT FROM PRACTITIONER IN SUPPORT OF  
PETITION TO WITHDRAW HOLDING OF ABANDONMENT (37 CFR § 1.181(a))**

State of Utah            )  
                              : ss.  
County of Weber        )

I, THOMPSON E. FEHR, being first duly sworn on oath, depose and state as follows:

I did not receive the Office Action mailed on April 21, 2006.

I searched the file jacket and docket records for present application; this search indicates that the Office communication was not received.

Attached hereto is a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed. The copy of the docket report shows, *inter alia*, all replies docketed for a date three months from the mail date of

STATEMENT FROM PRACTITIONER IN SUPPORT OF  
PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
(37CFR § 1.181(a))

the nonreceived Office action; and the nonreceived Office action set a three-month period for reply.

DATED this 29<sup>th</sup> day of December, 2006.

*Thompson E. Fehr*  
Thompson E. Fehr  
Attorney for Applicant  
Suite 703  
The Aerospace Center  
1104 Country Hills Drive  
Ogden, Utah 84403

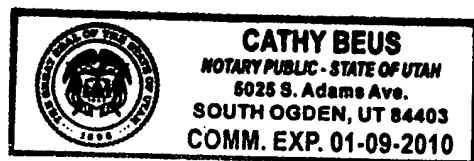
Reg. No. 31,353  
Telephone: (801) 393-6292

STATE OF UTAH     )  
                              : ss.  
County of Weber     )

THOMPSON E. FEHR, being first duly sworn on oath, deposes and says: That he has read the foregoing Statement from Practitioner in Support of Petition to Withdraw Holding of Abandonment (37 CFR § 1.181(a)); that he knows and understands the contents thereof; and that the same are true of his own knowledge, except as to those matters stated on information and belief; and as to such matter, he believes them to be true.

*Thompson E. Fehr*  
\_\_\_\_\_  
Thompson E. Fehr

Subscribed and sworn to before me this 29<sup>th</sup> day of December, 2006.



*Cathy Beus*  
\_\_\_\_\_  
Cathy Beus  
NOTARY PUBLIC



Due Dates	07/19/06			
Client Name	Docket#	Due Date	\$ Due Date \$	
John Stockton	PSTVBP	8/6/2005		request extension
Lundahl	Poly Dim lawsuit	10/1/2005		
Kelatron	PKELAM	1/3/2006		
Doug Beplate	PBEPNB	1/10/2006		Request technical Examination
Steve Hoggan	PHOGT	1/15/2006		File Missing Parts
Paul Budge	PBUDPL	1/26/2006		Notice of Abandonment
Doug Beplate	PBEPNA	2/10/2006		Duty of Disclosure
William Pratt	PPRATW	2/10/2006		
Doug Beplate	PBEPNIS	2/17/2006		Duty of Disclosure
Doug Beplate	PBEPNJ	2/20/2006		Reduce Claims
Rich Porter	Litigation	3/7/2006		Letter to Rich
Tom Lucas		3/8/2006		
Alan Appplonie	Lawsuit	3/21/2006		Dismissal of lawsuit
Transonic	Lawsuit	3/21/2006		Dismissal of lawsuit
Troy Pribbanow	PPRIGC	3/21/2006		Resp to Ex Ans of rejection sustained
Brett Siddoway	PSSID-C-B	4/2/2006		
Pat Hoggan	PHOGB	4/6/2006		
Doug Beplate	PBEPHN	4/10/2006		
Judine Uriona	Lawsuit	4/12/2006		Title Report
William Pratt	PRAIWP	4/21/2006		Letter to Bill
Boman & Kemp	PBOKER	4/27/2006		
Kaleb Galbraith	TGALME	5/3/2006		Office Action
Adam Brandley	PBRANAMS	5/6/2006		Maintenance Fee
Duane Giles	PGILBC	5/6/2006		
Pat Hoggan	PHOGNP-D	5/6/2006		
Pat Hoggan	PHOGPP-D	5/6/2006		
Clark Gates	PGATEC-EB	5/9/2006		File application
Doug Beplate	PBEPNC	5/12/2006		Small Entity Status
Scott Andrews	Lawsuit	5/17/2006		Contact Ford Scalley
Steve Larsen	PCT	5/17/2006		Copies to Junpei Okada
Jo Ann Parker	PPARKJ-GCB	5/23/2006		Missing Parts
Doug Beplate	PBEPNCH	5/24/2006		Voluntary Amendments
Canal/Trease	Lawsuit	5/30/2006		
S&S	PSSIL-EPO	6/2/2006		Renewal
Kevin Taylor	PTAYKC	6/5/2006		
Scott Douglas	PDOUGS	6/20/2006		File Missing Parts
Ralph Norman	PNORMD	6/20/2006		
Barney Auman		6/20/2006		
Kelatron	PKELAC	6/21/2006		
Tri Custom	PHOGT	6/23/2006		Power of Attorney/Declaration
Del Gray	PGRADG	6/24/2006		Notice of Abandon/File missing parts
Steve Larsen	PLARSS-PCT-J	6/29/2006		Letter to Steve re Request 4 Examinati
William Pratt	PRAIWP	7/4/2006		
Larry Simpson	PSIMPL-TSL	7/7/2006		Letter to Larry
Bill Ganswich	PGANSB	7/11/2006		
S&S	PCHERP-J	7/12/2006		
Doug Beplate	PBEPNT	7/14/2006		Reduce Maint Fee/Signed Declaration
USU	Fehr vs USU	7/17/2006		Interrogatories
Doug Beplate	PBEPNNZ	7/21/2006		
Jerry Losee	PLOSEJ	7/24/2006		
Jerry Losee	PLOSJS	7/24/2006		
Ryan Hoth	PHOTRC	7/30/2006		Letter to Ryan
Ralph Norman	PNORMH-NZ	7/31/2006		
Bill Bolick	PBOLIWC	8/2/2006		Revival of abandonment/correct brief
Ken Gardner	PGARDK-S	8/3/2006		Office Action Response
Clark Gates	PGATEC-EB-0	8/7/2006		Missing Parts
Steve Larsen	PLARSS-PCT-J	8/9/2006		Request for Examination
Del Gray	PGRAD C	8/10/2006		
Chris Sorensen	PSOREC-PTH	8/18/2006		
Jeremy Jenkins	PJENKJ	9/8/2006		Maintenance
John Stockton	PSTOJV-PCT-B	9/10/2006		
John Stockton	PSTOJV-PCT-C	9/10/2006		
Larry Simpson	PSIMPL-TSL	9/15/2006		Issue Fees Due
Ryan Hoth	PHOTRC	9/27/2006		Response to claim rejections
Dennis Spiers	PSPIDL-CAN	9/27/2006		Maintenance Canada
Paul Budge	PBUDPL	10/11/2006		
Sharon Tarnutzer	TANK-BMU	10/25/2006		Statement of Use